HONOURABLE SRI JUSTICE J.CHELAMESWAR
And
HONOURABLE SRI JUSTICE D.APPARAO

TUESDAY, TWENTY SEVENTH DAY OF JUNE TWO THOUSAND SIX

WRIT PETITION No.9164 of 2006

Between:

M/s.Asea Brown Boveri Limited,
Hyderabad. .. Petitioner

And

1. The Commercial Tax Officer,
Hyderabad and two others. ..Respondents

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ORDER: (Per Hon'ble Sri JC, J)**:**

This writ petition is filed with a prayer as follows:-

> "To quash the order of 3rd respondent in CCTs Ref. No.LIII (1)/274/06, dated 20-04-2006 as illegal, arbitrary, unjustified and consequently restrain the 1st respondent from taking any coercive steps for recovery of the balance disputed demand of Rs.91,46,374 out of total disputed tax of Rs.1,22,63,598 for the assessment year 1999-2000 pending disposal of the appeal filed before the Sales Tax Appellate Tribunal."

2. Aggrieved by the decision of the 3rd respondent in rejecting the application for stay of collection of the tax, which is subject matter of the appeal before the Sales Tax Appellate Tribunal, the present writ petition is filed.

3. On 28-04-2006, this Court while ordering Notice Before Admission, directed that there shall be interim stay for recovery of tax on condition that the petitioner deposits an amount of Rs.30,00,000/- (Rupees Thirty lakhs only), within a period of four weeks from that day.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the conditional interim order has already been complied with by the petitioner and that the said fact was not disputed by the respondents.

5. In the circumstances, we do not see any reason to keep the writ petition pending. Hence, the Writ Petition is disposed of directing that during the pendency of the appeal before the Sales Tax Appellate Tribunal, regarding the correctness of the

assessment, pertaining to the year 1999-2000, the interim order passed earlier, which is made absolute, shall continue.

6. Accordingly, the Writ Petition is disposed of with the aforementioned direction, at the admission stage. No costs.

(J.CHELAMESWAR,J)

(D.APPARAO, J)

June 27, 2006.
Kvr